

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

STATE OF NEBRASKA,
STATE OF MISSOURI,
STATE OF ARKANSAS,
STATE OF IOWA,
STATE OF KANSAS, and
STATE OF SOUTH CAROLINA,

No. 4:22-cv-01040

Plaintiffs,

v.

JOSEPH R. BIDEN, Jr.,
in his official capacity as the President of
the United States of America;

MIGUEL CARDONA, in his official
capacity as Secretary, United States
Department of Education; and

UNITED STATES DEPARTMENT OF
EDUCATION,

Defendants.

**PLAINTIFF STATES' MOTION FOR LEAVE TO EXCEED THE PAGE LIMIT
FOR THE MEMORANDUM IN SUPPORT OF THEIR MOTIONS FOR
TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION**

Under Local Rule 4.01(D), a party may file “any motion, memorandum, or brief which exceeds fifteen (15) pages” with leave of the Court. Plaintiff States respectfully request such leave for their memorandum in support of their motions for temporary restraining order and preliminary injunction (filed concurrently with this motion). Because the legal issues are complex and significant—involving the propriety of a federal agency taking the unprecedented step of unilaterally erasing more than a half trillion dollars in student loan debt—leave is appropriate.

As explained in Plaintiffs' memorandum, Defendants' unlawful Mass Debt Cancellation is already inflicting ongoing harms on Plaintiffs, and it threatens to imminently impose more injuries on them soon. To stop the existing harm—and prevent the quickly approaching injuries—Plaintiffs brought this suit. To show their entitlement to relief, the States must analyze Defendants' authority under the Higher Education Relief Opportunities for Students Act of 2003 (HEROES Act)—an issue of first impression. That analysis will also touch on significant questions of constitutional concern.

In short, the issues raised in the States' memorandum are complex and significant, and so they justify granting the States leave to exceed the 15-page limit. *See Monsanto Co. v. E.I. DuPont de Nemours & Co.*, 2012 WL 5397601, at *9 (E.D. Mo. Nov. 2, 2012) (“Recognizing the complexity of the action and the significance of the issues involved, this Court granted [the] request for a substantial expansion of the briefing page limitations.”). For these reasons, Plaintiffs respectfully ask the Court to grant them leave to file a memorandum in support of their motions for temporary restraining order and preliminary injunction that exceeds 15 pages.

Dated: September 29, 2022

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Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that, on September 29, 2022, a true and correct copy of the foregoing and any attachments were filed electronically through the Court's CM/ECF system, to be served on counsel for all parties by operation of the Court's electronic filing system for all parties who have appeared and to be served on those parties who have not appeared in accordance with the Federal Rules of Civil Procedure or other means agreed to by the parties.

/s/ Michael E. Talent
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